IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 498 OF 2006.
IN
NOTICE OF MOTION NO.2012 OF 2006.
IN
SUIT NO.1805 OF 2006.

In & Out Publicity. ... Appellant.
Versus.
National Tedtile Corporation
(M.N.) Ltd. ... Respondent.

Shri P.K.Samdani i/by M/s.Dhruve Liladhar & Co.for the Appellant.

Ms.Meena H.Doshi for the Respondent.

CORAM : KSHITIJ R.VYAS, C.J., &
ABHAY S.OKA, J.

DATE : 13th July, 2006.

P.C.:

1. Heard the learned Counsel appearing for the parties. This Appeal is directed against the order dated 28th June, 2006 passed by the learned single Judge whereby ad-interim relief was refused. The learned Counsel for the Appellant submitted that the Appellant has a right to have renewal of the agreement for a further period of five years for which option has been exercised by the Appellant. The learned Counsel for the Respondent submitted that a new contract has already been entered with a third party and that the Respondent cannot be compelled to renew the agreement after its term is over. We find substance in the contention. It

is for the Respondent to consider whether the agreement is to be renewed or to call for a fresh tender and the Respondent has preferred the later one. There is no merit in the Appeal and the same is dismissed.

CHIEF JUSTICE

ABHAY S.OKA, J.